

Notice of Allowability

Application N .

10/600,448

Examiner

Charles Goodman

Applicant(s)

MAGNUSSON, BIRGIR

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 11/1/2004.
2. ☒ The allowed claim(s) is/are 1-22 and 24-30.
3. ☒ The drawings filed on 20 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CHARLES GOODMAN
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The prior art of record do not anticipate nor do they reasonably suggest the cutter and method for cutting and method of assembling a cutter as claimed in claims 1, 22, and 25-30. The closest prior art, Karlis (US 5,638,730), discloses a plastic paper punch comprising all the elements claimed including, inter alia, a middle rigid cutter member (16); an outer flexible non-cutting jaw member comprising a first arm (14) and a second arm (12); and an attachment member (e.g. 29). Note Figs. 1-3. However, Karlis lacks the first and second receiving areas as claimed (claims 1, 22, 24, 25-26); a flexible non-cutting member as claimed and the plurality of cutting ribs (claims 27-30). In Karlis the receiving areas may be construed as points (at 28, 60, or 30 in Fig. 3). However, these areas are not the same areas as claimed since they are not located at the areas as claimed. The claimed receiving areas are the points enclosed by the rigid middle cutting member or the outside portion of the rigid middle. None exists in Karlis. With respect to the claimed outer flexible non-cutting member, in Karlis, the features relied on by the Examiner is not rigid as defined by the Applicant. It can be construed as being flexible to a degree but it is not the same as defined by the Applicant. In Karlis, it is made of hard plastic material and not soft as the claim infers in light of the arguments presented by the Applicant, and due to this teaching, there is no teaching or suggestion in Karlis nor any of the other prior art of record to modify the same. With respect to the plurality of cutting ribs in patterns, Karlis lacks this feature due to the fact that although the punches may form a pattern, the dies (the female portions) are not ribs that in a pattern. Moreover, with respect to the above points, none of the other prior art of

Art Unit: 3724

record fairly teach or suggest these lacking features. Thus, it is believed that the claimed inventions with the lacking features in combination with all the other recited elements are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (571) 272-4514. In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Application/Control Number: 10/600,448

Page 4

Art Unit: 3724



Charles Goodman
Primary Examiner
AU 3724

cg 

January 24, 2005

CHARLES GOODMAN
PRIMARY EXAMINER